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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,816	01/09/2004	Holger Stork	588.1009	1552
23280	7590	11/16/2004	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			WRIGHT, DIRK	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,816

Applicant(s)

STORK ET AL

Examiner

Dirk Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6, 8-17, 19, 20, 22, 23, 25 and 28 is/are allowed.
- 6) ☒ Claim(s) 5, 7, 18, 21, 24, 26, 27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claims Rejected

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 21, 24, 26, 27, 29, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 18, “and/or” is confusing because it is not clear which alternate features associated with the terms are being claimed. In claim 21, “the vehicle brake” lacks an antecedent. In claim 24, “the brakes” lacks an antecedent. In claim 26, “the load shift clutch” and “the start clutch” lack antecedents. In claim 27, “the start clutch” lacks an antecedent. In claim 29, “the start clutch” lacks an antecedent. In claim 30, “the start clutch” lacks an antecedent.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 7 are rejected under 35 USC 102(b) as being anticipated by Smedley ‘274 and Liu ‘868. Smedley and Liu both show a method of determining a touch point of an automated master clutch including the step of adjusting a clutch engagement chart based on torque as shown in figure 2.

Claims Allowed

Claims 1-4, 6, 8-17, 19, 20, 22, 23, 25, and 28 are allowable over the prior art of record.

The claims are allowable because the prior art does not anticipate nor render obvious the

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invention of a method of determining the contact point of a friction clutch including the steps of: adapting a contact point when the engine is idling and the vehicle is stopped, or adapting a contact point with the vehicle creeping at a constant speed and measuring a first and a second engine torque and assigning a contact point to the position that corresponds to the difference between the torques, or adapting a contact point with the vehicle rolling, the engine idling, the clutch disengaged, detecting an engine torque with the clutch disengaged, engaging the clutch until an engine torque increases by a predefined amount, and storing the corresponding position of the clutch as the contact point, or detecting changes in a rotational speed of the transmission output shaft as a function of a clutch actuating device with the transmission in neutral, computing a clutch torque as a function of the changes in rotational speed and the moment of inertia of the input shaft, and adapting a clutch characteristic curve as a function of the clutch torque, or adapting a contact point of a clutch in a hybrid transmission drive train wherein a motor/generator is controlled as part of the contact point determination method.

Prior Art Discussed

The references cited by the examiner are deemed pertinent to applicant's disclosure. Bates' 242 shows a creep mode for an automated friction clutch that also includes a determination of a touch point but does not appear to determine a touch point during creeping or rolling of a vehicle.

Conclusion

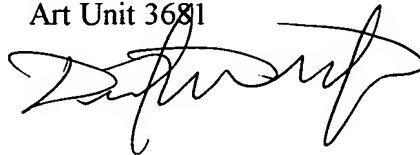
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Dirk Wright', is written over the printed name and title.

DW
Saturday, November 13, 2004